

Before the
Federal Communications Commission
Washington, D.C. 20554

FILED & INDEXED

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In the Matter of)
)
Tariffs Implementing Access Charge Reform) CC Docket No. 97-250
)
)

FCC-1000-0000

ORDER

Adopted: January 8, 2003

Released: January 9, 2003

By the Chief, Pricing Policy Division

1. By this order, we approve the Revised Refund Plan of Pacific Bell submitted by SBC Communications Inc. (SBC), for issuing refunds to its inter-exchange carrier (IXC) access customers for the period from January 1, 1998, through July 1, 1998, reflecting adjustments to its non-primary residential line counts.¹

2. On June 1, 1998, the Commission released an order concluding an investigation of the tariffs implementing access reform filed by the price cap local exchange carriers (LECs).² After determining that SBC had reported an unreasonably low number of non-primary residential lines, the Commission ordered Pacific Bell to make refunds of any overcharges in multi-line primary interexchange carrier charges (PICCs), non-primary residential PICCs, or residual per-minute rates that resulted from the undercount.³ The Commission directed that Pacific Bell's refunds include interest.⁴ The Commission delegated authority to the Common Carrier Bureau⁵ to review and approve the refund plan submitted by Pacific Bell.⁶ SBC sought reconsideration of this order, which the Commission denied in relevant part on September 29, 1998.⁷ On

¹ See Revised Refund Plan of Pacific Bell, filed by SBC Communications Inc., CC Docket No. 97-250 (filed Nov. 20, 1998).

² *Tariffs Implementing Access Charge Reform*, CC Docket No. 97-250, Memorandum Opinion and Order, 13 FCC Rcd 14,683 (1998) (*Access Reform Implementation Order*).

³ *Id.* at 14697, 14699 and 14753, ¶¶ 25, 29-31, and 179.

⁴ *Id.* at 14752, ¶ 171.

⁵ Pursuant to a Commission reorganization in March 2002, the Common Carrier Bureau was re-named the Wireline Competition Bureau.

⁶ *Access Reform Implementation Order*, 13 FCC Rcd at 14752 and 14756, ¶¶ 177 and 185.

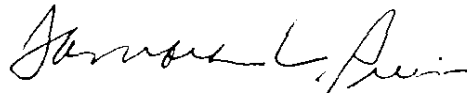
⁷ *Tariffs Implementing Access Charge Reform*, CC Docket No. 97-250, Memorandum Opinion and Order on Reconsideration, 13 FCC Rcd 20,030 (1998). On November 17, 1998, Pacific Bell filed a petition for review of this denial, but subsequently withdrew this petition. *Pacific Bell v. Federal Communications Commission*, No. 98-1545 (D.C. Cir. Jan. 27, 1999).

November 20, 1998. Pacific Bell submitted a refund plan pursuant to the *Access Reform Implementation Order*.⁸ No party has opposed the refund plan.

We find that the Revised Refund Plan of Pacific Bell satisfies the requirements of the *Access Reform Implementation Order*. In its refund plan, Pacific Bell stated that interest will be computed on a daily compounded basis at the appropriate interest rate established by the Internal Revenue Service, in accordance with paragraph 177 of the *Access Reform Implementation Order*.

4. Accordingly, IT IS ORDERED, pursuant to section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), and through the authority delegated pursuant to sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the refund plan filed by SBC on behalf of Pacific Bell IS APPROVED.

FEDERAL COMMUNICATIONS COMMISSION



Tamara L. Preiss
Chief
Pricing Policy Division

⁸ See note 1, *supra*.